



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 23, 2015

MR. JPAT BROWN
MUCKROCK NEWS
DEPT MR 21958
POST OFFICE BOX 55819
BOSTON, MA 02205-5819

FOIPA Request No.: 1338560-000
Subject: DELOREAN, JOHN ZACHARY

Dear Mr. Brown:

In accordance with 28 C.F.R. § 16.10(e), the Federal Bureau of Investigation (FBI) must inform requesters when fees associated with processing Freedom of Information Act (FOIA) requests will exceed \$25.00. Pursuant to 28 C.F.R. § 16.10 (c)(1), search fees are computed for each quarter hour spent searching for and retrieving potentially responsive material outlined in your FOIA request. FBI employees conducting FOIA searches are considered "professional personnel" and fees are assessed in the amount of \$10.00 for each quarter hour spent searching.

Based on the information provided, this agency conducted a search of the Central Records System. The FBI exhausted the two hours of free search time, and the initial search resulted in the following:

Thus far, the Federal Bureau of Investigation (FBI) has located approximately 5,250 pages of records potentially responsive to the subject of your request.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) free of charge.

- ☐ Because your request contains 500 or fewer potentially responsive pages, the release will be provided to you at no charge.
- ☒ If all potentially responsive pages are released on CD, you will owe \$160.00 in duplication fees (11 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$257.50 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.
- ☐ You submitted your request via the FBI's eFOIA system. Releases will be made to you electronically, and you will owe _____ in duplication fees (_____ releases at \$15.00 each, less \$5.00 credit for the first release).
- ☐ The FBI's eFOIA system cannot transmit audio and video files, and they will need to be released on CD. The FBI located approximately _____ CDs consisting of audio and video files that are potentially responsive to the subject of your request. If all of the potentially responsive media is released, you will owe \$_____ (_____ CDs at \$15.00 each, less \$5.00 credit for the first CD).
- ☐ CDs will not be sent to a correctional institution. You will only qualify for CD releases if an alternate address is provided.
- ☐ You will owe approximately \$0.00 in international shipping fees.

☐ No potentially responsive records were located.

The estimated total cost for processing your request is approximately \$160.00 for CD releases or \$257.50 for paper releases.

Requester Response

No payment is required at this time. If your request does not qualify for eFOIA releases, you must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD). Should you choose to accept the initial search results, you must also indicate your preference in the handling of your request in reference to the estimated duplication and search fees from the following three (3) options:

- ☐ I want to cancel my request.
- ☐ I do not want the FBI to continue searching. I am willing to accept the results of the initial search.
- ☐ I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.
- ☐ I am willing to pay fees of a different amount.
- Please specify amount: _____
- ☐ Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay international shipping fees.
- ☐ I want the FBI to continue searching for responsive documents. Additional search fees will be assessed even if no additional records are located, and/or the records located are entirely exempted from disclosure pursuant to the FOIA.
- ☐ I am willing to pay for the continued search time.
- Please specify amount: _____

If we do not receive your decision regarding the fee issues above within thirty (30) days of the date of this notification, your request will be closed. Please include the FOIPA Request Number listed above in any communication regarding this matter.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.


Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record Information/Dissemination Section; Records Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us."

The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal to OIP must be postmarked or transmitted within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish or number "3".

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division



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FOIPA Request No.: 1338560-000
Subject: DELOREAN, JOHN ZACHARY

Dear Mr. Brown:

Please be advised that we have determined "unusual circumstances" apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B)(iii). "Unusual circumstances" include the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components.

These "unusual circumstances" will delay our ability to make a determination of your request. The payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii).

This is also in response to your request for a fee waiver for the above referenced Freedom of Information/Privacy Acts (FOIPA) request. Fee waivers are determined on a case by case basis in accordance with 5 U.S.C. § 552 (a)(4)(A)(iii) and 28 C.F.R. § 16.10(k)(i)-(ii).

- ☒ **You failed to articulate any of the statutory requirements.**
- ☒ **Quoting or paraphrasing the statute, without providing factual detail or support specific to your request, does not provide sufficient basis to render an informed decision.**
- ☐ **You failed to demonstrate the requirement that the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government. See 28 C.F.R. § 16.10(k)(i).**
 - ☐ **Factor 1:** The records do not concern the operations or activities of the Federal Government. See 28 C.F.R. § 16.10(k)(2)(i).
 - ☐ **Factor 2:** Disclosure of the requested records would not be meaningfully informative about government operations or activities in order to be likely to contribute to an increased public understanding of those operations or activities. See 28 C.F.R. § 16.10(k)(2)(ii). Additionally, one or more of the following determinations apply to this factor if indicated below.
 - ☐ The information requested is already in the public domain, in either a duplicative or a substantially identical form. Therefore, disclosure is not meaningfully informative in relation to the subject of your request as nothing new would be added to the public's understanding.

- ☐ The records that you seek have previously been disclosed to the public. Specifically, the requested records have been made available through our website vault.fbi.gov OR to another requester who previously submitted a request for the same material and demonstrated their capacity to place the records in the public domain.
- ☐ The records that you seek are currently being processed for another requester who has demonstrated their capacity to place the records in the public domain.
- ☐ **Factor 3:** The disclosure of information would not contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the understanding of the individual understanding of the requester. See 28 C.F.R. § 16.10(k)(2)(iii). Additionally, one or more of the following determinations apply to this factor if indicated below.
- ☐ As the information you seek primarily pertains to you, the only person who would benefit from the disclosure of these records is you; therefore, such a disclosure would not contribute to the understanding of a reasonably broad audience
- ☐ You have not demonstrated your expertise in the subject area, your ability, and/or your intention to effectively convey the information to the public.
- ☐ **Factor 4:** The public's understanding of the subject in question would not be enhanced by the disclosure to a significant extent. See 28 C.F.R. § 16.10(k)(2)(iv).

☐ **Disclosure of the information is primarily in the commercial interest of the requester.** See 28 C.F.R. § 16.10(k)(ii).

- ☐ **Factor 5:** We have determined that you have a commercial interest that would be furthered by the requested disclosure. See 28 C.F.R. § 16.10(k)(3)(i).
- ☐ **Factor 6:** After balancing your commercial interest against the public interest in disclosure, we have determined that disclosure is primarily in your commercial interest. See 28 C.F.R. 16.10(k)(3)(ii).

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,



David M. Hardy
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